

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/HB 1049 Boca Raton Airport Authority, Palm Beach County

**SPONSOR(S):** Local Administration, Federal Affairs & Special Districts Subcommittee, Gossett-Seidman and others

**TIED BILLS:**                   **IDEN./SIM. BILLS:**

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**FINAL HOUSE FLOOR ACTION:** 114 Y's      0 N's                   **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/HB 1049 passed the House on April 27, 2023, and subsequently passed the Senate on May 4, 2023.

The Boca Raton Airport Authority (Authority) is an independent special district in Palm Beach County created in 1982. The Authority operates the Boca Raton Airport, a general aviation airport that has 81,550 aircraft operations per year. The Authority operates on state-owned land within the territorial limits of the City of Boca Raton. The Airport encompasses 212.14 acres between Spanish River Boulevard and Glades Road.

The bill updates the charter of the Authority to provide general specificity concerning its operations and powers. The bill:

- Provides boundaries of the Authority, which were previously not specified in law;
- Revises the frequency of Authority board meetings;
- Updates the powers and duties of the governing board;
- Increases the compensation for the Authority's board members from \$100 per meeting to \$250 per meeting, capped at \$3,000 per year;
- Provides that the executive director of the airport may be hired or terminated by a two-thirds vote of the board, provided at least one majority vote is made by one of the two county appointees; and
- Transfers title of the land on which the airport sits from the Board of Trustees of the Internal Improvement Trust Fund to the Authority.

According to the Economic Impact Statement, the bill will increase Authority expenditures by \$9,100 in Fiscal Years 2023-24 and 2024-25.

The bill was approved by the Governor on June 23, 2023, ch. 2023-334, L.O.F., and became effective on that date.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Background

#### Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> A special district may be created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter.<sup>3</sup> Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>4</sup>

A “dependent special district” is a special district in which the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district’s governing body are removable at will by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality.<sup>5</sup> An “independent special district” is any district that is not a dependent special district or one that includes more than one county unless the district lies wholly within a single municipality.<sup>6</sup>

#### State Lands

The State of Florida owns lands for many purposes including preservation, conservation, recreation, water management, historic preservation, and administration of government. These lands include:

- All swamp and overflowed lands held by the state or which may inure to the state;
- All lands owned by the state by right of its sovereignty;<sup>7</sup>
- All internal improvement lands proper;
- All tidal lands;
- All lands covered by shallow waters of the ocean or gulf, or bays or lagoons thereof, and all lands owned by the state covered by fresh water;
- All parks, reservations, or lands or bottoms set aside in the name of the state, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way; and
- All lands that have accrued or may accrue to the state.<sup>8</sup>

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<sup>1</sup> S. 189.012(6), F.S. The Legislature adopted ch. 189, F.S., in 1989 to provide uniform statutes for the definition, creation, and operation of special districts. See s. 189.011(1), F.S.

<sup>2</sup> S. 189.012(6), F.S.

<sup>3</sup> See ss. 189.02(4)-(5) and 189.031(3), F.S. Counties and municipalities have “home rule” powers allowing them to enact ordinances not inconsistent with general or special law for governmental, corporate, or proprietary purposes. Special districts do not possess home rule powers and are permitted to impose only those taxes, assessments, or fees authorized by special or general law. See art. VIII, ss. 1(f) and (g), 2(b), s. 6(e), Fla. Const. and ss. 166.021 and 125.01, F.S. See also *2021–2022 Local Gov’t Formation Manual*, p. 70, at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3117> (last visited Jan. 13, 2022) (hereinafter *Local Government Manual*).

<sup>4</sup> *Local Government Manual* at 64.

<sup>5</sup> S. 189.012(2), F.S.

<sup>6</sup> S. 189.012(3), F.S. Independent special districts are created by the Legislature unless otherwise authorized by general law. The charter of a newly-created district must meet minimum statutory requirements which includes a statement that it is an independent special district.

<sup>7</sup> These are “sovereignty submerged lands,” which include but are not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated. R. 18-21.003(67), F.A.C.

<sup>8</sup> S. 253.03(1), F.S.

State lands are held in trust for the use and benefit of the people of Florida by the Board of Trustees of the Internal Improvement Trust Fund (BOT).<sup>9</sup> The BOT consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture.<sup>10</sup> The BOT may acquire, sell, transfer, and administer state lands in a manner consistent with state law.<sup>11</sup>

The Department of Environmental Protection, through its Division of State Lands, generally performs all staff duties and functions related to the acquisition, administration, and disposition of state lands, although certain staff duties related to state lands may be performed by water management districts, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission.<sup>12</sup>

### Boca Raton Airport Authority

The Boca Raton Airport Authority (Authority) is an independent special district in Palm Beach County created in 1982.<sup>13</sup> The Authority operates the Boca Raton Airport, a general aviation airport that has 81,550 aircraft operations per year.<sup>14</sup> The Authority operates on state-owned land within the territorial limits of the City of Boca Raton.<sup>15</sup> The Airport encompasses 212.14 acres between Spanish River Boulevard and Glades Road.<sup>16</sup>

The Authority is governed by a seven-member board.<sup>17</sup> Five members of the board are appointed by the Boca Raton City Council.<sup>18</sup> These members must be residents of the city, with three members residing east of the airport, one member residing west of the airport, and one member may reside anywhere in the municipality.<sup>19</sup> The remaining two members are appointed by the Palm Beach County Board of County Commissioners, both of whom must reside in the Greater Boca Raton Reserve Area.<sup>20</sup> Members serve two-year terms.<sup>21</sup> Board members receive an honorarium of \$100 per meeting attended, up to a maximum of \$1,200 per year.<sup>22</sup> Member may also receive reimbursement for reasonable expenses incurred in the performance of their official duties.

The day-to-day operations of the airport are directed by an airport manager who may only be employed or terminated upon a four-fifths vote of the board.<sup>23</sup>

The charter states that the Authority has the jurisdiction over the operation and maintenance of the Boca Raton Airport.<sup>24</sup> Along with a list of general powers applicable to all special districts, the charter provides a broad grant of power “to do all acts necessary to or convenient to carry out the purposes of the Authority.”<sup>25</sup>

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<sup>9</sup> S. 253.001, F.S.

<sup>10</sup> S. 253.02(1), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> S. 253.002(1), F.S.

<sup>13</sup> Ch. 82-259, Laws of Fla.

<sup>14</sup> Ch. 2004-468, s. 2(2)(1), Laws of Fla. Airport IQ 5010, *Boca Raton*, available at <https://www.airportiq5010.com/5010Web/> (last visited Mar. 16, 2023).

<sup>15</sup> Ch. 2004-468, s. 2(2)(1), Laws of Fla.

<sup>16</sup> See Boca Raton Airport, *About Boca Raton Airport (BCT)*, <https://bocaairport.com/about/> (last visited April 6, 2023).

<sup>17</sup> Ch. 2004-468, s. 2(4)(1), Laws of Fla.

<sup>18</sup> Ch. 2004-468, s. 2(4)(2), Laws of Fla.

<sup>19</sup> Ch. 2004-468, s. 2(4)(1), Laws of Fla.

<sup>20</sup> Ch. 2004-468, s. 2(4)(2), Laws of Fla.

<sup>21</sup> Ch. 2004-468, s. 2(4)(3), Laws of Fla.

<sup>22</sup> Ch. 2004-468, s. 2(6), Laws of Fla.

<sup>23</sup> Ch. 2004-468, s. 2(8), Laws of Fla.

<sup>24</sup> Ch. 2004-468, s. 2(5), Laws of Fla.

<sup>25</sup> Ch. 2004-468, s. 2(5)(13), Laws of Fla.

## Effects of the Bill

The bill provides boundaries of the Authority and transfers title of these lands from the BOT to the Authority.

The bill removes a requirement that the governing board of the Authority meet monthly and, instead, requires the board to meet regularly, but no fewer than 10 times per calendar year. The bill authorizes the board to approve a procedure for determining excused absences from meetings consistent with general law.

The bill updates the powers and duties of the Authority to provide specificity. It provides that the Authority has the power and authority to:

- Solicit business and promote commerce at the airport or any airport facility.
- Make application for, contract with, receive, and accept from any federal, state, or local agency, grants and assistance of any kind for, or in aid of, the construction, improvement or operation of any facility and operation of the Authority, and receive and accept contributions from any source of either money, property, labor, or other things of value for any lawful purpose.
- Select and appoint airport counsel, who must serve at the pleasure of and be responsible to the board.
- Select and appoint agents and consultants, including without limitation, surveyors, contractors, engineers, planners, designers, auditors, and architects, who must work under the supervision of the airport manager, and fix their compensation.
- Employ and appoint personnel to provide security, fire suppression, and enforcement services.
- Develop a written investment plan and invest and reinvest surplus public funds in the Authority's possession and control.
- Consistent with the regulations of the Federal Aviation Authority, let or lease the airport or any portion of the airport, including the buildings and hangars thereon, let or lease any facility within the Authority's control, fix the rate of any lease or sublease of any portion of the airport or facility, and grant concessions upon such terms and conditions as it must deem proper.
- Make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of cost and revenues as it may deem necessary, and prepare and adopt a plan or plans, for the location, construction, and development of any facility.
- Adopt by-laws that must, at a minimum, govern the procedures for the conduct of the Authority's meetings.
- Prepare and adopt annual financial reports and financial audit reports.
- Construct; acquire through purchase and sale, lease, grant, gift, devise, exchange, or transfer of any kind; and reconstruct, improve, equip, repair, maintain, establish, extend, alter, expand, develop, and operate any airport facility.
- Borrow money, incur debt, and issue bonds, notes, certificates, or any other instruments of indebtedness that promotes, enhances, or otherwise furthers the purposes of the Authority, including, but not limited to, financing the cost of any facility, capitalizing interest, funding any reserves, refunding or refinancing any existing indebtedness, and paying costs and expenses associated with such indebtedness. Any such indebtedness may be secured by any revenue source or in any manner, and bonds must be approved by resolution.
- Fix, regulate, and collect rates, fees, and charges for the services and facilities furnished by any facility under its control; establish, limit, and control the use of any facility as may be deemed necessary to ensure its proper operation, and adopt rules, regulations, and minimum standards to impose such limits or controls; and impose sanctions to promote and enforce compliance with any rule or regulation that the Authority may adopt in the regulation of the facilities under its control.
- Provide for the manual execution of any instrument on behalf of the Authority by the signature of the chairperson or vice chairperson of the Authority and attested by the secretary-treasurer or, if delegated by the members to do so, the executive director or any other Authority personnel to

whom authority has been delegated, or by facsimile signature in accordance with the Uniform Facsimile Signature of Public Officials Act.

- Maintain a website and post thereon notices, reports, and information as the Authority is either required to or deems appropriate to post.
- Engage in public-private partnerships as well as interlocal agreements.
- Take all such acts and exercise all such powers required of independent special districts.

The bill increases the compensation for board members of the Authority from \$100 to \$250 for each meeting attended, and increases the compensation cap from \$1,200 to \$3,000 per member per year.

The bill authorizes the board to employ or terminate the employment of the airport manager, who may be referred to as the executive director, by a two-thirds vote of the members of the authority, with at least one majority vote made by a county appointee. The bill also prohibits the board members from interfering with the day-to-day administration of the airport manager's duties.

The bill updates and provides definitions for terms used in the charter.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

According to the Economic Impact Statement, the bill will increase Authority expenditures by \$9,100 in Fiscal Years 2023-24 and 2024-25.

C. ECONOMIC IMPACT STATEMENT FILED? Yes  No

D. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 20, 2023.

WHERE? The *Sun-Sentinel*, a daily newspaper of general circulation published in Palm Beach County, Florida.

E. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?